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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,862	12/13/2001	Shmuel Shaffer	062891.0665	5949
7590 09/09/2005			EXAMINER	
Baker Botts L.L.P. 2001 Ross Avenue, Suite 600 Dallas, TX 75201-2980			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,862	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rasha S. AL-Aubaidi	2642	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 7, 11, 13-15, 17, 22, 24-26, 28, 32, 34-36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks et al (US PAT # 5,825,869).

Regarding claim 1, Brooks teaches a method for routing calls of an automatic call distributor system (see ACD system 10 in Fig. 1 and col. 4, lines 51-53), comprising: receiving, from a user, a request for connection with one of plurality of agents (see agent telephones 30, 32, 34 in Fig. 1 and col. 4, lines 51-67, col. 5, lines 45-54 and col. 8, lines 58-63) having one of plurality of skills (SKILLA, SKILLB, and SKILLC, see col. 9, lines 55-56); identifying at least first and second agents of the plurality of agents (see col. 11, lines 33-37), the first and second agents each having at least the one of the plurality of skills; the first and second agents being available for connection with user along first and second communication paths, respectively (col. 6, lines 18-19); receiving network information regarding each of the first and second communication paths (the network information reads on determining the availability of each agent, see col. 11, lines 33-43); identifying generally unique skill of the plurality of skills (reads on agent with "unique" skill C, see col. 9, lines 50-56); and routing the request along preferred

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communication path of the first and second communication paths, the preferred communication path being selected to attain a higher probability that the generally unique skill will remain available for receiving a future request for connection (see col. 9, lines 50-65).

Claims 7, 11, 17, 22, 28, 32 and 38 are rejected for the same reasons as discussed above with respect to claim 1. The claimed "port" as recited in claim 11 is inherent. The claimed "processor" reads on switch 26, see Fig. Fig. 1.

Regarding claims 3, 13, 24 and 34, Brooks teaches the plurality of skills comprise a plurality of languages spoken by one or more of the plurality of agents (see col. 4, lines 63-67. Also, this can read on one agent that has SKILLA, SKILLB, and SKILLC, the Skill can read on the language, see col. 9, lines 55-60).

Claims 4, 14, 25 and 35 limitations basically read on the type of businesses required such as product-related knowledge (see col. 4, lines 63-67 and col. 9, lines 18-23).

Claims 5, 15, 26, and 36 limitations read on the first agent being at home (see col. 1, lines 8-40).

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 8, 10, 12, 18, 20-21, 23, 29, 31, 33, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Miloslavsky et al (US AT # 6, 879, 586).

Regarding claims 2, 8, 12, 18, 23, 29, 33, and 39, Brooks does not explicitly teach the network information regarding each the first second communication paths, respectively, comprises first and second quantities of bandwidth available along the first and second communication paths, respectively.

However, Miloslavsky teaches an Internet Protocol call center that contains high bandwidth ports and low bandwidth ports for establishing connection and processing customers' requests and demands (see col. 5, lines 4-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize certain bandwidth ports to receive customers' requests in a call center, as taught by Miloslavsky, into the Brooks system in order to use a bandwidth that is sufficient for the need of the incoming call which improves the quality of communication between callers and agents.

Claims 10, 20, and 31 are rejected for the same reasons as discussed above with respect to claims 2, 8, 12, 18, 23, 29 and 33.

Regarding claims 21 and 41, the use of a different bandwidth ensures the voice quality as previously discussed in claims 2, 8, 12, 18, 23, 29, 33, and 39.

5. Claims 6, 9, 16, 19, 27, 30, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Kwan (US AT # 6, 728, 358).

Regarding claims 6, 16, 27 and 37, Brook does not specifically teach the network parameters being selected from the group consisting of delay, jitter and echo.

However, Kwan teaches efficient buffer allocation for current and predictive participants in a voice conference call (see abstract). Kwan discusses how to minimize the loss of audio data and ensure that the delay, introduced by using the speaker's data that has been saved into their speaker buffer, is never more than the desired jitter buffer (see col. 3, lines 10-15). Kwan also teaches the use of "echo suppression" (col. 1, lines 62-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of parameters consisting of delay, jitter, and echo, as taught by Kwan into the Brooks system in order to enhance the quality of the system. The use of well-known techniques for improving the quality of the communication, as taught by Kwan, would have been obvious.

Regarding claims 9, 19, 30 and 40, Kwan is mainly concerned with the quality of voice that is received and delivered to the participants in a voice conference call (see col. 3, lines 1-15 and lines 33-37).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Judkins et al (US PAT # 6,763,104) teaches in a call center and based on customer needs and type of service, calls will be routed to the best available agent with the matching skills who can handle the customer needs (see col. 2, lines 1-17 and lines 33-53 also abstract of the invention).

Flockhart et al (US PAT # 6,088,441) teaches in a skill –based ACD, an available agent is reserved and assigned to handle calls needing a “rare” skill (see abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

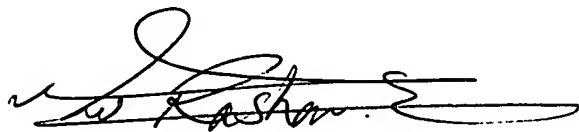
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a stylized flourish at the end.

**Examiner**

**Rasha S. Al-Aubaidi**

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**08/31/2005**